

Nos. 2014-1437, -1485

**In the
United States Court of Appeals
for the Federal Circuit**

Wi-LAN, INC.,
Plaintiff-Appellant,

v.

APPLE INC.,
Defendant-Cross-Appellant,

**Appeal from the United States District Court for the Eastern District of Texas
in Case Nos. 2:11-cv-68, 2:12-cv-600, Honorable Judge Rodney Gilstrap.**

**UNOPPOSED MOTION OF PLAINTIFF-APPELLANT
Wi-LAN INC. FOR EXTENSION OF TIME TO FILE ITS
OPENING BRIEF**

Robert A. Cote
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(212) 402-9400

*Attorneys for Plaintiff-Appellant
Wi-LAN Inc.*

Plaintiff-Appellant Wi-LAN Inc. (“Wi-LAN”) respectfully moves for a 30-day extension of the due date for its opening brief. This is Wi-LAN’s first request for an extension of time to file its opening brief. The opening brief is currently due on June 30, 2014, and the extension sought here would extend the due date up to and including July 30, 2014.

The requested 30-day extension is needed due to the press of a heavy caseload for Wi-LAN’s counsel. Undersigned counsel has competing deadlines and obligations in other matters, including *Wi-LAN, Inc. v. Apple, Inc.*, Case No. 3:13-CV-798-DMS (BLM) (S.D. Cal.); *ContentGuard Holding, Inc. v. Google Inc.*, Case No. 2:14-CV-61-JRG-RSP (E.D. Tex.); and *ContentGuard Holdings, Inc. v. Amazon.com, Inc., et al.*, Case No. 2:13-CV-1112-JRG (E.D. Tex.).

Accordingly, it has become apparent that Wi-LAN’s opening brief cannot be adequately prepared by its current due date of June 30, 2014, and that an extension is necessary to fully address the issues in this appeal. Under the circumstances, Wi-LAN submits that the 30-day extension it is seeking is both necessary and reasonable.

Defendant-Cross-Appellant Apple Inc.’s counsel has stated that Apple Inc. does not oppose Wi-LAN’s requested extension. A proposed order believed appropriate for entry by the Court is attached to this motion.

Date: June 18, 2014.

Respectfully submitted,

/s/ Robert A. Cote

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**COUNSEL FOR PLAINTIFF-
APPELLANT WI-LAN INC.**

CERTIFICATE OF INTEREST

Counsel for Plaintiff-Appellant Wi-LAN Inc. certifies the following:

1. The full name of every party represented by me is:

Wi-LAN Inc.
2. The name of the real party in interest represented by me is:

None.
3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party represented by me are:

None.
4. The names of all law firms and the partners or associates that appeared for the party represented by me in the trial court or are expected to appear in this Court are:

McKOOL SMITH P.C.

Sam Baxter
Robert Cote
R. Darryl Burke
Rosemary Snider
Jason Blackstone
Dirk Thomas
Robert Auchter
Brett Cooper
Laura Handley
Tom Fasone
Seth Hasenour

Robert Kramer
Lindsay Leavitt
Mark Mathie
Kevin Schubert
Jennifer Truelove
Jonathan Yim

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DECLARATION OF ROBERT A. COTE

1. I, Robert A. Cote, hereby declare that I am a principal in the law firm of McKool Smith, P.C., and a member of the Bar of this Court. I represent Plaintiff-Appellant Wi-LAN Inc. (“Wi-LAN”) in this appeal.

2. All of the facts set out in Wi-LAN’s motion are true and correct and are based on my personal knowledge.

3. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: June 18, 2014

/s/ Robert A. Cote

Robert A. Cote

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ORDER

UPON CONSIDERATION of the Unopposed Motion for Extension of Time filed by Plaintiff-Appellant Wi-LAN Inc., it is ORDERED that:

The Motion is GRANTED and the time for filing Wi-LAN Inc.'s opening brief shall be extended 30 days, or up to and including July 30, 2014.

Date: _____

cc: Robert A. Cote, Mark C. Scarsi, Mark S. Davies

CERTIFICATE OF SERVICE

I hereby certify that on the 18th of June 2014, one copy of the documents listed below:

**UNOPPOSED MOTION OF PLAINTIFF-APPELLANT
WI-LAN INC. FOR EXTENSION OF TIME TO FILE
ITS OPENING BRIEF AND PROPOSED ORDER**

was filed with the Clerk of Court for the United States Court of Appeals for the Federal Circuit using the appellate CM/ECF system. I further certify that on June 18, 2014 one copy of the foregoing was served, via the Court's CM/ECF system and electronic mail, upon all counsel of record.

/s/ Robert A. Cote

Robert A. Cote